

House File 298 - Introduced

HOUSE FILE _____
BY WENDT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the establishment of election district
2 boundaries for schools, counties, and cities and including an
3 applicability provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1567HH 83
6 ec/sc/5

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1 1 Section 1. Section 49.3, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 Election precincts shall be drawn and identified by name or
1 4 number by the county board of supervisors or the temporary
1 5 county redistricting commission in all unincorporated portions
1 6 of each county, and by the city council of each city in which
1 7 it is necessary or deemed advisable to establish more than one
1 8 precinct. Precincts established as provided by this chapter
1 9 shall be used for all elections, except where temporary merger
1 10 of established precincts is specifically permitted by law for
1 11 certain elections, and ~~no~~ a political subdivision shall not
1 12 concurrently maintain different sets of precincts for use in
1 13 different types of elections. Election precincts shall be
1 14 drawn so that:
1 15 Sec. 2. Section 49.4, subsection 1, Code 2009, is amended
1 16 to read as follows:
1 17 1. Where a civil township, or the portion of a civil
1 18 township outside the corporate limits of any city of over two
1 19 thousand population contained therein, is divided into two or
1 20 more election precincts, the precincts shall be so drawn that
1 21 their total populations shall be reasonably equal on the basis
1 22 of data available from the most recent federal decennial
1 23 census, except where the division is necessary to comply with
1 24 the provisions of section 49.3, subsection 3.
1 25 Sec. 3. Section 49.7, Code 2009, is amended to read as
1 26 follows:
1 27 49.7 REPRECINCTING SCHEDULE AND FILING REQUIREMENTS.
1 28 1. Where reprecincting is necessary, city councils and
1 29 county boards of supervisors or the temporary county
1 30 redistricting commission shall make any necessary changes in
1 31 precincts as soon as possible after the redistricting of
1 32 congressional and legislative districts becomes law.
1 33 2. City councils shall complete any changes in precinct
1 34 and ward boundaries necessary to comply with sections 49.3 and
1 35 49.5 not later than ~~sixty days~~ the date set by the state
2 1 commissioner of elections which date shall be after the
2 2 redistricting of congressional and legislative districts
2 3 becomes law, ~~or September 1~~ of the year immediately following
2 4 each year in which the federal decennial census is taken,
2 5 ~~whichever is later.~~ A different compliance date
2 6 date may be set by the general assembly by joint resolution.
2 7 3. County boards of supervisors or the temporary county
2 8 redistricting commission shall complete any changes in
2 9 precinct and supervisor district boundaries necessary to
2 10 comply with sections 49.3, 49.4, and 331.209 not later than
2 11 ~~ninety days~~ the date set by the state commissioner of
2 12 elections which date shall be after the redistricting of
2 13 congressional and legislative districts becomes law, ~~or~~
2 14 ~~October 15~~ of the year immediately following each year in
2 15 which the federal decennial census is taken, ~~whichever is~~
2 16 ~~later.~~ A different compliance date date may be set
2 17 by the general assembly by joint resolution.
2 18 4. Each county board of supervisors or the temporary
2 19 county redistricting commission and city council shall

2 20 immediately notify the state commissioner and the commissioner
2 21 when the boundaries of election precincts, supervisor
2 22 districts, or city wards are changed, and shall provide a map
2 23 showing the new boundary lines and a written description of
2 24 the boundaries. Each county board or the temporary county
2 25 redistricting commission and city council shall certify to the
2 26 state commissioner the populations of the new election
2 27 precincts or retained election precincts, supervisor
2 28 districts, or city wards, as determined by the latest federal
2 29 decennial census. Materials filed with the state commissioner
2 30 shall be postmarked no later than the deadline specified in
2 31 this section.

2 32 5. If the state commissioner determines that a county
2 33 board or the temporary county redistricting commission or city
2 34 council has failed to make the required changes by the dates
2 35 specified by this section, the state commissioner shall make
3 1 or cause to be made the necessary changes as soon as possible.
3 2 The state commissioner shall assess to the county or city, as
3 3 the case may be, the expenses incurred in making the necessary
3 4 changes. The state commissioner may request the services of
3 5 personnel and materials available to the legislative services
3 6 agency to assist the state commissioner in making required
3 7 changes in election precincts, supervisor districts, and city
3 8 wards which become the state commissioner's responsibility.

3 9 6. Precinct boundaries shall become effective on January
3 10 15 of the second year following the year in which the census
3 11 was taken and shall be used for all subsequent elections.
3 12 Precinct boundaries drawn by the state commissioner shall be
3 13 incorporated into the ordinances of the city or county.

3 14 7. Changes made to precincts, supervisor districts, or
3 15 city wards, in years other than the year following the year in
3 16 which the federal decennial census is taken shall be filed
3 17 with the state commissioner for review and approval as soon as
3 18 possible.

3 19 Sec. 4. Section 49.8, Code 2009, is amended by adding the
3 20 following new subsection:

3 21 NEW SUBSECTION. 3A. When the official population figures
3 22 of an area within a city or county are changed or corrected by
3 23 the United States census bureau following the most recent
3 24 federal decennial census and that city or county determines
3 25 that the change or correction affects the population equality
3 26 of the applicable precincts and wards or supervisor districts
3 27 of the city or county and a revision of the precincts, wards,
3 28 or supervisor districts consistent with the change or
3 29 correction is possible, the city or county may revise the
3 30 applicable precincts, wards, or supervisor districts pursuant
3 31 to the requirements otherwise applicable to such precincts,
3 32 wards, or districts and this subsection. The state
3 33 commissioner of elections shall be notified of the decision to
3 34 revise the applicable precincts, wards, or supervisor
3 35 districts and shall establish a schedule for completion of the
4 1 revision pursuant to this subsection.

4 2 Sec. 5. Section 260C.13, subsection 2, Code 2009, is
4 3 amended to read as follows:

4 4 2. The board of the merged area shall redraw boundary
4 5 lines of director districts in the merged area after each
4 6 ~~federal decennial census to compensate for changes in~~
4 7 ~~population if changes in population have taken place.~~

4 8 Sec. 6. Section 260C.13, subsection 3, paragraph e, Code
4 9 2009, is amended to read as follows:

4 10 e. ~~Cities~~ The portion of a city which lies within the
4 11 boundary of a school district shall not be divided into two or
4 12 more director districts unless ~~the its~~ population of the city
4 13 is greater than the ideal size of a director district. Cities
4 14 shall be divided into the smallest number of director
4 15 districts possible.

4 16 Sec. 7. Section 275.12, subsection 2, Code 2009, is
4 17 amended to read as follows:

4 18 2. a. The petition filed under subsection 1 shall also
4 19 state the name of the proposed school district, ~~and~~ the number
4 20 of directors, ~~which may be either five or seven~~ and the method
4 21 of election of the school directors of the proposed district.

4 22 b. The number of directors in the proposed school district
4 23 shall be determined as follows:

4 24 (1) If the proposed school district has a population of
4 25 twenty-five thousand persons or less and does not include a
4 26 city of fifteen thousand or more population, the number of
4 27 directors shall be five.

4 28 (2) If the population of the proposed school district is
4 29 greater than twenty-five thousand persons, the number of
4 30 directors may be either five or seven.

4 31 (3) If the proposed school district includes a city of
4 32 fifteen thousand or more population, the number of directors
4 33 shall be seven.

4 34 c. The method of election of the directors in the proposed
4 35 school district shall be one of the following optional plans
5 1 determined as follows:

5 2 (1) If the population of the proposed school district is
5 3 seven thousand persons or less, the method of election of the
5 4 directors shall be by election at large from the entire
5 5 district by the electors of the entire district.

5 6 (2) If the population of the proposed school district is
5 7 greater than seven thousand persons, the method of election of
5 8 the directors shall be one of the following plans:

5 9 a. (a) Election at large from the entire district by the
5 10 electors of the entire district.

5 11 b. (b) Division of the entire school district into
5 12 designated geographical single director or multi-director
5 13 subdistricts on the basis of population for each director, to
5 14 be known as director districts, each of which shall be
5 15 represented on the school board by one or more directors who
5 16 shall be residents of the director district but who shall be
5 17 elected by the vote of the electors of the entire school
5 18 district. The boundaries of the director districts and the
5 19 area and population included within each district shall be
5 20 such as justice, equity, and the interests of the people may
5 21 require. Changes in the boundaries of director districts
5 22 shall not be made during a period commencing sixty days prior
5 23 to the date of the regular school election. As far as
5 24 practicable, the boundaries of the districts shall follow
5 25 established political or natural geographical divisions.

5 26 c. (c) Election of not more than one-half of the total
5 27 number of school directors at large from the entire district
5 28 and the remaining directors from and as residents of
5 29 designated single-member or multimember director districts
5 30 into which the entire school district shall be divided on the
5 31 basis of population for each director. In such case, all
5 32 directors shall be elected by the electors of the entire
5 33 school district. Changes in the boundaries of director
5 34 districts shall not be made during a period commencing sixty
5 35 days prior to the date of the regular school election.

6 1 d. (d) Division of the entire school district into
6 2 designated geographical single director or multi-director
6 3 subdistricts on the basis of population for each director, to
6 4 be known as director districts, each of which shall be
6 5 represented on the school board by one or more directors who
6 6 shall be residents of the director district and who shall be
6 7 elected by the voters of the director district. Place of
6 8 voting in the director districts shall be designated by the
6 9 commissioner of elections. Changes in the boundaries of
6 10 director districts shall not be made during a period
6 11 commencing sixty days prior to the date of the regular school
6 12 election.

6 13 e. (e) In districts having seven directors, election of
6 14 three directors at large by the electors of the entire
6 15 district, no more than two at each regular school election,
6 16 and election of the remaining directors as residents of and by
6 17 the electors of individual geographic subdistricts established
6 18 on the basis of population and identified as director
6 19 districts, no more than two at each regular school election.
6 20 Boundaries of the subdistricts shall follow precinct
6 21 boundaries, as far as practicable, and shall not be changed
6 22 less than sixty days prior to the regular school election.

6 23 Sec. 8. Section 275.12, subsection 3, Code 2009, is
6 24 amended to read as follows:

6 25 3. If the petition proposes the division of the school
6 26 district into director districts, the boundaries of the
6 27 proposed director districts shall not be drawn until the
6 28 question is approved by the voters. If the question is
6 29 approved by the voters, the directors of the ~~new reorganizing~~
6 30 school ~~district~~ districts shall draw the boundaries of the
6 31 director districts according to the standards described in
6 32 section 275.23A, subsection 1. Following adoption by the
6 33 school board, the plan shall be submitted to the state
6 34 commissioner of elections for approval.

6 35 Sec. 9. Section 275.23A, subsection 1, unnumbered
7 1 paragraph 1, Code 2009, is amended to read as follows:

7 2 School districts which have directors who represent
7 3 director districts as provided in section 275.12, subsection
7 4 2, paragraphs "b", "c", "d", and "e" paragraph "c",

7 5 subparagraph (2), subparagraph divisions (b), (c), (d), and
7 6 (e), shall be divided into director districts according to the

7 7 following standards:

7 8 Sec. 10. Section 275.23A, subsection 1, paragraphs a and
7 9 b, Code 2009, are amended by striking the paragraphs and
7 10 inserting in lieu thereof the following:

7 11 a. All director districts shall be as nearly equal as
7 12 practicable to the ideal population for the districts as
7 13 determined by dividing the number of districts to be
7 14 established into the population of the school district. All
7 15 director district boundaries shall follow the boundaries of
7 16 areas for which official population figures are available from
7 17 the most recent federal decennial census except where a
7 18 director district boundary follows the boundary of the school
7 19 district.

7 20 b. To the extent consistent with paragraph "a", director
7 21 district boundaries for school districts which have directors
7 22 who represent director districts as provided in section
7 23 275.12, subsection 2, paragraph "c", subparagraph (2),
7 24 subparagraph divisions (d) and (e), shall follow precinct
7 25 boundaries except where the director district boundary follows
7 26 the boundary of the school district.

7 27 Sec. 11. Section 275.23A, subsection 1, paragraph e, Code
7 28 2009, is amended to read as follows:

7 29 e. ~~Cities~~ The portion of a city which lies within the
7 30 boundary of a school district shall not be divided into two or
7 31 more director districts unless ~~the~~ its population of ~~the city~~
7 32 is greater than the ideal size of a director district. Cities
7 33 shall be divided into the smallest number of director
7 34 districts possible.

7 35 Sec. 12. Section 275.23A, subsection 2, Code 2009, is
8 1 amended by striking the subsection and inserting in lieu
8 2 thereof the following:

8 3 2. a. The board of directors of a school district that
8 4 has director districts required to meet the standards in
8 5 subsection 1 shall redraw the director district boundaries
8 6 after each federal decennial census. The director district
8 7 boundaries shall be named or numbered and described in the
8 8 resolution adopted by the board of directors of the school
8 9 district. The resolution shall be adopted no earlier than
8 10 November 15 of the year immediately following the year in
8 11 which the federal decennial census is taken nor later than
8 12 March 1 of the second year immediately following the year in
8 13 which the federal decennial census is taken. A copy of the
8 14 plan shall be filed with the area education agency
8 15 administrator of the area education agency in which the
8 16 school's electors reside.

8 17 b. In addition to the authority granted to voters to
8 18 change the number of directors or method of election as
8 19 provided in sections 275.35, 275.36, and 278.1, the board of
8 20 directors of a school district may, not later than March 1 of
8 21 the second year following a federal decennial census, by
8 22 resolution and in accordance with this section and subject to
8 23 the population requirements of section 275.12, subsection 2,
8 24 authorize a change in the method of election as set forth in
8 25 section 275.12, subsection 2, or, if authorized, a change to
8 26 either five or seven directors after the board conducts a
8 27 hearing on the resolution. If the board proposes to change
8 28 the number of directors from seven to five directors, the
8 29 resolution shall include a plan for reducing the number of
8 30 directors. If the board proposes to increase the number of
8 31 directors to seven directors, two directors shall be added
8 32 according to the procedure described in section 277.23,
8 33 subsection 2. If the board does not provide for an election
8 34 as provided in sections 275.35, 275.36, and 278.1, and adopts
8 35 a resolution to change the number of directors or method of
9 1 election in accordance with this subsection, the district
9 2 shall change the number of directors or method of election as
9 3 provided unless, within twenty-eight days following the action
9 4 of the board, the secretary of the board receives a petition
9 5 containing the required number of signatures, asking that an
9 6 election be called to approve or disapprove the action of the
9 7 board in adopting the resolution. The petition must be signed
9 8 by eligible electors equal in number to not less than one
9 9 hundred or thirty percent of the number of voters at the last
9 10 preceding regular school election, whichever is greater. The
9 11 board shall either rescind its action or direct the county
9 12 commissioner of elections to submit the question to the
9 13 registered voters of the school district at an election held
9 14 on a date specified in section 39.2, subsection 4, paragraph
9 15 "c". If a majority of those voting on the question at the
9 16 election favors disapproval of the action of the board, the
9 17 district shall not change the number of directors or method of

9 18 election. If a majority of those voting on the question does
9 19 not favor disapproval of the action, the board shall certify
9 20 the results of the election to the department of management
9 21 and the district shall change the number of directors or
9 22 method of election as provided in this subsection. At the
9 23 expiration of the twenty-eight-day period, if no petition is
9 24 filed, the board shall certify its action to the state
9 25 commissioner of elections and the district shall change the
9 26 number of directors or method of election as provided in this
9 27 subsection.

9 28 Sec. 13. Section 275.23A, subsection 3, Code 2009, is
9 29 amended to read as follows:

9 30 3. The school board shall notify the state commissioner of
9 31 elections and the county commissioner of elections of each
9 32 county in which a portion of the school district is located
9 33 when the boundaries of director districts are ~~changed~~ adopted
9 34 pursuant to subsection 2. The notices of ~~changes~~ the adopted
9 35 plans submitted to the state commissioner shall be postmarked

10 1 no later than the deadline for adoption of the resolution
10 2 under subsection 2. The board shall provide the commissioners
10 3 with maps showing the ~~new~~ adopted boundaries and shall also
10 4 certify to the state commissioner the populations of the ~~new~~
10 5 adopted director districts as determined under the latest
10 6 federal decennial census. ~~If, following a federal decennial~~
10 7 ~~census a school district elects not to redraw director~~
10 8 ~~districts under this section, the school board shall so~~
10 9 ~~certify to the state commissioner of elections, and the school~~
10 10 ~~board shall also certify to the state commissioner the~~
10 11 ~~populations of the retained director districts as determined~~
10 12 ~~under the latest federal decennial census. If the state~~
10 13 ~~commissioner determines that a district board has failed to~~
10 14 ~~make the required changes by the dates specified by this~~
10 15 ~~section, the state commissioner of elections shall make or~~
10 16 ~~cause to be made the necessary changes as soon as possible.~~
10 17 ~~The state commissioner shall assess any expenses incurred to~~
10 18 ~~the school district. The state commissioner of elections may~~
10 19 ~~request the services of personnel of and materials available~~
10 20 ~~to the legislative services agency to assist the state~~
10 21 ~~commissioner in making any required boundary changes.~~

10 22 Sec. 14. Section 275.35, subsection 1, Code 2009, is
10 23 amended to read as follows:

10 24 1. ~~A Subject to the population requirements of section~~
10 25 ~~275.12, subsection 2, a school district may change the number~~
10 26 ~~of directors to either five or seven and may also change its~~
10 27 ~~method of election of school directors to any a method~~
10 28 ~~authorized by section 275.12 by submission of a proposal,~~
10 29 ~~stating the proposed new method of election, by the school~~
10 30 ~~board of such district to the electors at an election held on~~
10 31 ~~a date specified in section 39.2, subsection 4, paragraph "c".~~
10 32 ~~The school board shall notify the county commissioner of~~
10 33 ~~elections who shall publish notice of the election in the~~
10 34 ~~manner provided in section 49.53. The election shall be~~
10 35 ~~conducted pursuant to chapters 39 through 53 by the county~~
11 1 ~~commissioner of elections. Such proposal shall be adopted if~~
11 2 ~~it is approved by a majority of the votes cast on the~~
11 3 ~~proposition.~~

11 4 Sec. 15. Section 275.36, Code 2009, is amended to read as
11 5 follows:

11 6 275.36 SUBMISSION OF CHANGE TO ELECTORS.

11 7 1. If a petition for a change in the number of directors
11 8 or in the method of election of school directors is filed with
11 9 the school board of a school district subject to the
11 10 population requirements of section 275.12, subsection 2, and
11 11 pursuant to the requirements of section 278.2, the school
11 12 board shall submit such proposition to the voters at an
11 13 election held on a date specified in section 39.2, subsection
11 14 4, paragraph "c". The petition shall be accompanied by an
11 15 affidavit as required by section 275.13. If a proposition for
11 16 a change in the number of directors or in the method of
11 17 election of school directors submitted to the voters under
11 18 this section is rejected, it shall not be resubmitted to the
11 19 voters of the district in substantially the same form within
11 20 the next three years; if it is approved, no other proposal may
11 21 be submitted to the voters of the district under this section
11 22 within the next six years.

11 23 2. If the proposal adopted by the voters requires the
11 24 establishment of or a change in director district boundaries
11 25 pursuant to section 275.12, subsection 2, paragraph ~~"b", "c",~~
11 26 ~~"d", or "e"~~ subparagraph (2), subparagraph division (b), (c),
11 27 (d), or (e), the school board shall draw the necessary
11 28 boundaries within forty days after the date of the election.

11 29 The boundaries shall be drawn according to the requirements of
11 30 section 275.23A. Following adoption by the school board, the
11 31 plan shall be submitted to the state commissioner of elections
11 32 for approval. The new boundaries shall become effective on
11 33 July 1 following approval.
11 34 Sec. 16. Section 275.38, Code 2009, is amended to read as
11 35 follows:
12 1 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.
12 2 If change in the method of election of school directors is
12 3 approved at an election, the directors who were serving
12 4 unexpired terms or were elected concurrently with approval of
12 5 the change of method shall serve out the terms for which they
12 6 were elected. If the plan adopted is that described in
12 7 section 275.12, subsection 2, paragraph ~~"b", "c", "d", or "e"~~
12 8 subparagraph (2), subparagraph division (b), (c), (d), or (e),
12 9 the board shall at the earliest practicable time designate the
12 10 districts from which residents are to be elected as school
12 11 directors at each of the next two succeeding regular school
12 12 elections, arranging so far as possible for elections of
12 13 directors as residents of the respective districts to coincide
12 14 with the expiration of terms of incumbent members residing in
12 15 those districts. If an increase in the size of the board from
12 16 five to seven members is approved concurrently with the change
12 17 in method of election of directors, the board shall make the
12 18 necessary adjustment in the manner prescribed in section
12 19 275.37, as well as providing for implementation of the
12 20 districting plan under this section.
12 21 Sec. 17. Section 275.57, subsection 1, Code 2009, is
12 22 amended to read as follows:
12 23 1. If a school district accepting attachments of a
12 24 dissolved district is currently divided into director
12 25 districts as provided in section 275.12, subsection 2,
12 26 paragraph ~~"b", "c", "d", or "e"~~ subparagraph (2), subparagraph
12 27 division (b), (c), (d), or (e), the board of directors of the
12 28 district shall draft a proposal to incorporate the newly
12 29 received territory into existing contiguous director
12 30 districts. If the attached territory is contiguous to more
12 31 than one director district, the board may divide the territory
12 32 and attach it to more than one director district. If
12 33 necessary to comply with the population equality standards
12 34 prescribed in section 275.23A, the board shall redraw the
12 35 boundaries of all director districts according to the
13 1 standards provided in section 275.23A, subsection 1,
13 2 paragraphs "a", "c", and "d".
13 3 Sec. 18. Section 278.1, subsection 1, paragraph g, Code
13 4 2009, is amended to read as follows:
13 5 g. Authorize a change to either five or seven directors,
13 6 subject to the population requirements of section 275.12,
13 7 subsection 2. The proposition for the change shall specify
13 8 the number of directors to be elected, and which of the
13 9 methods of election authorized by section 275.12, subsection
13 10 2, is to be used if the change is approved by the voters.
13 11 Sec. 19. Section 331.209, subsection 1, Code 2009, is
13 12 amended to read as follows:
13 13 1. ~~Not later than ninety days after~~ After the
13 14 redistricting of congressional and legislative districts
13 15 becomes law, or October 15 of and no later than the date set
13 16 by the state commissioner of elections in the year immediately
13 17 following each year in which the federal decennial census is
13 18 taken, whichever is later, the temporary county redistricting
13 19 commission shall divide the county into a number of supervisor
13 20 districts corresponding to the number of supervisors in the
13 21 county. However, if the plan is selected pursuant to section
13 22 331.207, the temporary county redistricting commission shall
13 23 divide the county before February 15 of the election year.
13 24 The supervisor districts shall be drawn, to the extent
13 25 applicable, in compliance with the redistricting standards
13 26 provided for senatorial and representative districts in
13 27 section 42.4, and if a supervisor redistricting plan is
13 28 challenged in court, the requirement of justifying any
13 29 variance in excess of one percent contained in section 42.4,
13 30 subsection 1, paragraph "c" applies to the board. If the
13 31 temporary county redistricting commission adopts a supervisor
13 32 redistricting plan with a variance in excess of one percent,
13 33 the board shall publish the justification for the variance in
13 34 one or more official newspapers as provided in chapter 349
13 35 within ten days after the action is taken. If more than one
14 1 incumbent supervisor resides in the same supervisor district
14 2 after the districts have been redrawn following the federal
14 3 decennial census, the terms of office of those supervisors
14 4 shall expire on the first day of January that is not a Sunday

14 5 or a holiday following the next general election.
14 6 Sec. 20. APPLICABILITY DATE. The section of this Act
14 7 amending section 275.12, subsection 2, applies to petitions
14 8 filed on or after July 1, 2009.

14 9 EXPLANATION

14 10 This bill makes changes to requirements governing the
14 11 drawing of election precinct and district boundaries for
14 12 schools, counties, and cities.

14 13 Code section 49.3 is amended to require that the
14 14 governmental entity responsible for drawing precinct
14 15 boundaries assign a name or number to each precinct drawn.

14 16 Code section 49.4 is amended to permit an exception to the
14 17 general requirement that townships divided into more than one
14 18 precinct be divided equally by population if the division is
14 19 necessary to meet the requirement that an election precinct be
14 20 composed of contiguous territory.

14 21 Code sections 49.7 and 331.209 are amended to provide that
14 22 the state commissioner of elections (the secretary of state)
14 23 shall set the deadlines for filing city and county
14 24 reprecincting and redistricting plans. Currently, cities are
14 25 required to complete changes no later than 60 days after
14 26 congressional and legislative redistricting becomes law or
14 27 September 1 of the year after the federal census is taken,
14 28 while counties have the later of 90 days after redistricting
14 29 becomes law or October 15 of the same year. In addition, Code
14 30 section 49.7 is amended to provide that the governmental
14 31 entity submitting plans to the state commissioner of elections
14 32 for review include a written description of the boundaries in
14 33 the plan.

14 34 Code section 49.8 is amended to provide that a city or
14 35 county may revise their precincts, wards, or supervisor
15 1 districts if the United States census bureau makes a change or
15 2 correction in the official population of an area within the
15 3 city or county that affects population equality and the change
15 4 or correction is such that permits such a revision. The state
15 5 commissioner of elections is required to be notified of a
15 6 decision to revise boundaries and shall establish a schedule
15 7 for the revision.

15 8 Code section 260C.13, governing community colleges
15 9 redistricting, and Code section 275.23A, subsection 1,
15 10 governing school district redistricting, are amended to
15 11 provide that a portion of a city which lies within the
15 12 boundary of a school district is not to be divided into more
15 13 than one district unless the population of that portion is
15 14 greater than the ideal population of a district. Currently,
15 15 the requirement is made applicable to cities as a whole and
15 16 makes no reference to the situation where only a portion of a
15 17 city may be within the school district being divided.

15 18 Code section 275.12, subsection 2, is amended to provide
15 19 that proposed new school districts with a population greater
15 20 than 25,000 people or which include a city with a population
15 21 of 15,000 people may have seven directors. However, the bill
15 22 provides that all other proposed new school districts that do
15 23 not meet these population requirements shall have five
15 24 members. In addition, the bill provides that new school
15 25 districts which have a population of 7,000 people or less in
15 26 that new district, are required to elect their directors
15 27 at-large and not by districts. This change applies to new
15 28 school districts proposed on or after July 1, 2009.

15 29 Code section 275.12, subsection 3, is amended to provide
15 30 that it is the directors of the reorganizing school districts
15 31 that shall draw the boundaries of the director districts for
15 32 the newly reorganized district.

15 33 Code section 275.23A, subsection 1, governing standards
15 34 applicable to school district redistricting, is amended to
15 35 provide that director districts shall be drawn as nearly equal
16 1 as practicable to the ideal population for that district and
16 2 shall, to the extent consistent with the population
16 3 requirement, follow precinct boundaries. Under current law,
16 4 the equal population requirement is subject to the requirement
16 5 that the boundaries follow census boundaries and, wherever
16 6 possible, precinct boundaries.

16 7 Code section 275.23A, subsection 2, is amended to require
16 8 school district redistricting following each decennial census
16 9 and to provide that directors of a school district have until
16 10 March 1, instead of May 15, of the second year following the
16 11 decennial census to propose, by resolution, a change in the
16 12 manner of elections of school directors. In addition, the
16 13 subsection is changed to provide that the board shall certify
16 14 its action relative to a change in the method of electing
16 15 directors to the state commissioner of elections instead of

16 16 the department of management.

16 17 Code section 275.23A, subsection 3, is amended to eliminate
16 18 the authority of the state commissioner of elections to assess
16 19 expenses incurred by the commissioner in making required
16 20 changes in school district boundaries.

16 21 Code sections 275.35, 275.36, and 278.1 are amended to
16 22 provide that proposed changes in the number of director
16 23 districts and method of election of a school district shall
16 24 comply with the population requirements established by the
16 25 bill in section 275.12.

16 26 LSB 1567HH 83

16 27 ec/sc/5